

## ORDINANCE NO. 20-01

### AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 72, ENTITLED "CONSTRUCTION HOURS"

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

**WHEREAS**, the Town of Millville has adopted a Construction Hours Ordinance for the municipality, which has been codified in Chapter 72 of the Town Code;

**WHEREAS**, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed Town Council meeting held on August 27, 2019, that the following language hereby is adopted and incorporated into the Town of Millville Code at Chapter 72, entitled "Construction Hours," as follows:

Additions will be in black bold and underlined.

~~Deletions will be black bold strike through.~~

Chapter 72: Construction Hours

§ 72-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

#### **BUILDING**

A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, equipment, or property.

#### **CONSTRUCTION**

The process of placing of building materials in their permanent position, fastened in a permanent manner, ~~actual work in excavation or grading including clearing, dredging, excavating, and grading of land, interior or exterior work on any building or dwelling, and~~ or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases diligent work shall be carried out until the completion of the building or structure.

#### **CONSTRUCTION ACTIVITY**

Any part or stage of the construction.

## PERSON

An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, or she, or it is acting for himself, or itself or as an employee, agent, or representative.

## STRUCTURE

Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

### ~~§ 72-2 Construction activities on weekdays and Saturdays.~~

#### ~~A. September 1 to May 15:~~

- ~~(1) Monday through Friday: 8:00 a.m. to 7:00 p.m.~~
- ~~(2) Saturday: 8:00 a.m. to 5:00 p.m.~~

#### ~~B. May 16 to August 31:~~

- ~~(1) Monday through Friday: 7:30 a.m. to 7:00 p.m.~~
- ~~(2) Saturday: 8:00 a.m. to 5:00 p.m.~~

### § 72-2 Permitted hours.

A. No construction activity (to include the delivery and supply of materials, removal of refuse from a construction site, or the starting up of engines of mechanized construction equipment or vehicles), site preparation, site disturbance, excavation, or other similar construction shall be carried on except the days and hours (at prevailing time) follows:

#### (1) September 1 to May 15:

- (a) Monday through Friday 8:00 a.m. to 6:00 p.m.
- (b) Saturday: 8:00 a.m. to 4:00 p.m.

#### (2) May 16 to August 31:

- (a) Monday through Friday 7:30 a.m. to 6:00 p.m.
- (b) Saturday: 8:00 a.m. to 4:00 p.m.

B. However, this chapter shall not apply to a homeowner working within that homeowner's property boundaries, provided that such work is done by the homeowner or immediate family members and the property is used exclusively by the homeowner or his family and guests as the dwelling of the property.

~~§ 72-3 Construction activities on Sundays and holidays.~~

- ~~A. No interior or exterior construction of buildings and dwellings shall take place on Sunday.~~
- ~~B. No interior or exterior construction of buildings and dwellings shall take place on the following holidays: New Year's Day; Memorial Day; Fourth of July; Labor Day; Thanksgiving Day; and Christmas Day.~~
- ~~C. Nothing contained herein shall prevent any homeowner from working within his own property boundaries, provided that such work is done by the homeowner and members of his immediate family and the property is used exclusively by him or his family and guests as the dwelling of the property.~~

§ 72-3 Construction activities on Sundays and holidays.

A. No person shall perform any construction activity (to include the delivery and supply of materials, removal of refuse from a construction site, or the starting up of engines of mechanized construction equipment or vehicles), site preparation, site disturbance, excavation, or other similar construction on Sunday.

B. No person shall perform any construction activity (to include the delivery and supply of materials, removal of refuse from a construction site, or the starting up of engines of mechanized construction equipment or vehicles), site preparation, site disturbance, excavation, or other similar construction on the following holidays:

- (1) New Year's Day;
- (2) Memorial Day;
- (3) Fourth of July;
- (4) Labor Day;
- (5) Thanksgiving Day; and
- (6) Christmas Day.

§ 72-4 Infrastructure construction activities.

~~Construction activities related to the installation of water and sewer infrastructure, roads, stormwater and roadways are exempt from time limitations stated in § 72-2.~~

The Code & Building Official or the Town's engineer may grant permission, including conditions, to the property owner or general contractor responsible for the construction project to work on prohibited days and hours otherwise prohibited in this chapter for the construction activities related to the installation of water, sewer and stormwater infrastructure, on a case by case basis and upon a showing of reasonable need.

§ 72-5 Emergency provisions.

The ~~Code Enforcement Officer~~ Code & Building Official or the Town's engineer, may grant permission to the property owner(s), or general contractor(s), ~~if such be~~ responsible for the construction project, to work on prohibited days and hours as listed in this chapter should emergency situations arise requiring immediate attention, such as repairing storm damage to weatherproof a structure, secure an unsafe structure, or utility repair.

§ 72-6 Violations and penalties, revocation of license.


- A. Any person violating any provision of this chapter shall be subject to such penalties and pay such fines as set forth in Chapter 1, Article II, General Penalty.
- B. Any person, ~~persons, partnerships, corporations or other entity~~ that shall have been ~~convicted of violating~~ found to have violated the provisions of this chapter on three occasions for the third time shall, in addition to other applicable fees and penalties, in addition to the foregoing, have his, her, their or its have his/her/its license(s) to do business in the Town revoked.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 27 DAY OF August, 2019.

SEAL:

  
STEVE MANERI, MAYOR

ATTESTED:

  
RONALD BELINKO, SECRETARY

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SYNOPSIS

This ordinance amends Chapter 72 of the Town Code relating to Construction Hours. Specifically, it changes the definitions, construction activities on weekdays and Saturdays, and infrastructure construction activities.